

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF ELECTIONS,
et al.,

Defendants.

Civil Action No. 3:14-cv-00852-REP-
AWA-BMK

PLAINTIFFS' OBJECTIONS TO DISCOVERY DESIGNATIONS

Pursuant to Paragraph 10(c) of the Court's July 13, 2017 Order (Dkt. No. 173), Plaintiffs object to the introduction of certain discovery materials designated by Defendant-Intervenors ("Intervenors"). Specifically, Plaintiffs object to the following discovery designations:

Document	Designations	Basis for Objection
Transcript of Deposition of Christopher Michael Marston (May 18, 2015)	47:16 to 48:15	Federal Rules of Evidence 401, 403, and 802; improper use of attorney-client privilege. To the extent that Intervenors have designated this portion of Mr. Marston's deposition to support an advice-of-counsel defense, they have waived the privilege with respect to all underlying communications and should be required to produce those communications or withdraw the designation.

Pursuant to Paragraph 10(d) of the Court's July 13, 2017 Order, Plaintiffs will meet and confer with Intervenors regarding discovery designations no later than September 21, 2017. If any objections remain after that conference, then Plaintiffs will brief those objections and file briefs no later than September 25, 2017 (opening briefs) and September 27, 2017 (reply briefs).

Dated: September 18, 2017

Respectfully submitted,

By: /s/ Aria Branch

Marc Erik Elias (*pro hac vice*)
Bruce V. Spiva (*pro hac vice*)
Aria Branch (VSB No. 83682)
PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: 202.654.6338
Facsimile: 202.654.9106
Email: ABranch@perkinscoie.com
Email: MElias@perkinscoie.com
Email: BSpiva@perkinscoie.com

Kevin J. Hamilton (*pro hac vice*)
Abha Khanna (*pro hac vice*)
Ryan Spear (*pro hac vice*)
William B. Stafford (*pro hac vice*)
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
Email: KHamilton@perkinscoie.com
Email: AKhanna@perkinscoie.com
Email: BStafford@perkinscoie.com
Email: RSpear@perkinscoie.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

On September 18, 2017, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the above objections to discovery designations.

VIA ELECTRONIC MAIL

Katherine L. McKnight (VSB No. 81482)
E. Mark Braden (*pro hac vice*)
Richard B. Raile (VSB No. 84340)
Baker & Hostetler LLP
1050 Connecticut Avenue NW, Ste. 1100
Washington, DC 20036
Phone: 202.861.1500
Fax: 202.861.1783
Email: kmcknight@bakerlaw.com
Email: mbraden@bakerlaw.com
Email: rraile@bakerlaw.com

Of counsel:
Dale Oldham, Esq. (*pro hac vice*)
1119 Susan Street
Columbia, SC 29210
Phone: 803.772.7729
Email: dloesq@aol.com

Attorneys for Defendant-Intervenors

Matthew R. McGuire (VSB No. 84194)
Trevor S. Cox (VSB No. 78396)
Office of the Attorney General
202 North 9th Street
Richmond, VA 23219
Phone: 804.786.7773
Fax: 804.371.0200
Email: mmcguire@oag.state.va.us
Email: tcox@oag.state.va.us

Attorneys for Defendants